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LAW DEPARTMENT
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April 28, 2021

By ECF

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

In Re: New York City Policing During Summer 2020 Demonstration
This document is related to, 20 Civ. 10291, 21 Civ. 0533, 21 Civ. 1904

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and one of the attorneys assigned to represent defendants City of New York, Mayor de Blasio, Commissioner Shea and Chief Monahan in the three above-referenced matters. I write to briefly respond to, and correct inaccuracies in, plaintiffs' letter filed yesterday, April 27, 2021 (Dkt no. 139).

First, plaintiffs assert that that they were not required to personally serve the individual defendants with the Amended Complaints since they were in default. In fact, the defendants were *not* in default; the matter was stayed pending the February 22, 2021 conference before Your Honor (Dkt no. 33), and no responsive pleadings were due, or considered late. At the conference, defendants City, de Blasio, Shea and Monahan, the parties this office appeared for and represented at the conference, as they were properly served with process through this office, were given permission to make a motion to dismiss on or before March 26, 2021. On March 27, 2021, my co-counsel wrote to Your Honor requesting an additional 30 days to answer or otherwise respond to the Amended Complaint on behalf of the remaining defendants. This request was based on the assumption that those defendants would be properly served with the Amended Complaint. Only some of them were; and this office is only authorized to appear and respond on their behalf. Personally serving defendants City, de Blasio, Shea and Monahan with the Amended Complaint was not necessary, as the Office of the Corporation Counsel had already appeared on their behalf, and is authorized to accept service on their behalf.

Next, it should be pointed out that although Mr. Moskowitz is correct in noting that counsel for the *Sow* plaintiffs did, in fact, reach out to the undersigned via email regarding service of the Amended Complaints, he failed to include the proposed solution that I suggested to Mr. Stecklow, and would still honor; that I reach out to the individual defendants who have not been served and ask them if they would consent to my office accepting service on their behalf. If they did consent, I would deem service made as of the date of their consent, and would answer or otherwise respond to the Amended Complaint within 21 days of that date. Neither Mr. Stecklow nor any other attorney representing the *Sow* plaintiffs responded to that offer, and instead, Mr. Moskowitz responded to Your Honor with inaccuracies.

To be clear, this office asserts that defendants Carrasco, Ahmad, Agro, Karimov, Jeff, Matias, and Jeanpierre were not properly served with the Amended Complaint, and F. Pichardo was not served with the Complaint (the operative pleading in the *Yates* case). Once they are properly served and representation decisions are made, Answers will be served within 21 days of service for those defendants this office represents.

Thank you for your consideration herein.

Respectfully submitted,

Dara L. Weiss s/

Dara Weiss
Senior Counsel
Special Federal Litigation Division

cc: ALL COUNSEL (via ECF only)